

6 a pricing system in electronic communication with the data collection  
7 system, the pricing system configured to at least one of sell and price the product,  
based on the product location data.

1 18. (Once Amended) A method for pricing a product, the method  
2 comprising:  
3 receiving information relating to the product via a remote transceiver;  
4 generating the product price based on the received information.

### REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendment and in view of the reasons which follow. Claims 1-25 stand rejected. Claims 3 and 4 have been cancelled without prejudice. Claims 1 and 18 have been amended. Therefore claims 1, 2, and 5-25 remain pending in the application.

### Rejections Under 35 U.S.C. § 102

In section 4 of the Office Action the Examiner rejected claims 1-7, 10-14, and 16-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,933,813 (Teicher). Applicants respectfully traverse the rejection. In the Office Action, the Examiner stated:

As per claims 1, 6, 7, 10, 16, 17, 18, 21, 23, 24 and 25 Teicher discloses a data processor system for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices (which is seen to read as Applicant's claimed invention wherein it is stated that a system for selling or pricing a product), the system comprising:

a data collection system configured to collect data relating to the product (see., abstract, lines 1-10, specifically wherein it is stated that a data processor for promoting sales of products includes price storage devices for storing basic price information...., please note that the basic price information also includes the basic prices of the products);

a pricing system in electronic communication with the data collection system, the pricing system configured to sell or price the product in accordance with the data relating to the product (see., abstract,

specifically wherein it is stated that a data processor for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices, and also col. 1, lines 36-50, col. 2, lines 16-34, col. 3, lines 52-67, col. 4, lines 1-28.)

Regarding claim 1, Teicher does not disclose a system for selling or pricing a product in electronic communication with a data collection system and having a pricing system that is configured to price a product based on the location of the product. The pricing system disclosed in Teicher does not anticipate the system for selling or pricing a product, as recited in independent claim 1. The pricing system disclosed in Teicher is designed to set sale prices of products within a sales outlet based on criteria such as sales volumes, current inventory, and category of purchasers (col. 1, lines 52-60). The Teicher pricing system is configured to set sales prices based on market conditions. In contrast, the system of claim 1 uses location data to generate the price at which a product is to be sold. The criteria used in the Teicher pricing system are not the location of the product as recited in claim 1. Accordingly, Teicher does not teach and/or disclose all of the limitations of claim 1. Thus, claim 1 and its dependents are not anticipated by Teicher and are therefore allowable.

Regarding claim 10, Teicher does not disclose or teach a method of calculating a price for a risk protection product. Teicher discloses a system used to sell products in a sales outlet with electronic displays for displaying prices (Claim 1). Teicher does not disclose receiving data related to a subject that is associated with a risk protection product. Further, Teicher does not disclose processing the data in accordance with predetermined risk data. There is no predetermined risk data stored anywhere in the Teicher system for processing the received data related to a subject that is associated with the risk protection product. Also, Teicher does not disclose receiving the data from a remote location. All the data in Teicher comes from within a sales outlet, not from a remote location. Accordingly, Teicher does not teach and/or disclose all of the limitations of claim 10. Thus, claim 10 and its dependents are not anticipated by Teicher and are therefore allowable.

Regarding claim 16, Teicher does not disclose monitoring operational data relating to a product. Operational data may include, among other possibilities,

temperature, humidity, hours of operation, time between service, etc. Operational data is not disclosed in Teicher. Teicher discloses sales data, which is sales volumes data, current inventory data, and category of purchasers data (col. 1, lines 52-60). Further, Teicher does not teach and/or disclose comparing the operational data to at least one operational specification relating to the product, as recited in claim 16. Accordingly, Teicher does not teach and/or disclose all of the limitations of claim 16. Thus, claim 16 and its dependents are not anticipated by Teicher and are therefore allowable.

Regarding claim 18, Teicher does not disclose receiving information relating to a product via a remote transceiver. Further, Teicher does not include generating the product price based on the received information. Teicher discloses in FIG. 8 the use of a wireless communication system for communication with electronic shelf labels and store signs (col. 8, lines 45-61). Teicher does not disclose anything like receiving information relating to the product via a remote transmitter. In addition, Teicher does not disclose generating the product price based on the information received from the remote transmitter. Accordingly, Teicher does not teach and/or disclose all of the limitations of claim 18. Thus, claim 18 and its dependents are not anticipated by Teicher and are therefore allowable.

Regarding claim 24, Teicher does not disclose configuring the CPU to generate correlated data by correlating the received data to actuarial data. Among other limitations, Teicher does not teach and/or disclose the use of actuarial data or risk data to correlate to. Accordingly, Teicher does not teach and/or disclose all of the limitations of claim 24. Thus, claim 24 is not anticipated by Teicher and is therefore allowable.

Regarding claim 25, Teicher does not teach and/or disclose configuring the CPU to collect operational specification data relating to a warranty, among other limitations. In addition, Teicher does not disclose configuring the CPU to compare the received data relating to the object to the operational specification data relating to the warranty. The products being sold using the Teicher system do not have operational specifications. Accordingly, Teicher does not teach and/or disclose all of the limitations of claim 25. Thus, claim 25 is not anticipated by Teicher and is therefore allowable.

In the Office Action the Examiner further states:

As per claims 2, 12, 13, 14, 20, 22, Teicher discloses the claimed limitation, wherein the price system is in electronic communication with the data collection system via wireless transmitter (see., fig. 8, col. 6, lines 45-51).

Applicants respectfully submit that Teicher does not anticipate independent claims 1, 10, and 18. Accordingly, Teicher does not anticipate dependent claims 2, 12, 13, 14, 20 and 22, which depend therefrom. Therefore, claims 2, 12, 13, 14, 20, and 22 are allowable.

Further still, in the Office Action, the Examiner states:

As per claims 5, 11, 19, Teicher discloses the claimed limitation, wherein the data relating to the product is data relating to at least one selected operational parameter (see., abstract, lines 1-4, specifically wherein it is stated that criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices, please note that the predetermined criteria is seen to read as the operational parameter).

Applicants respectfully submit that Teicher does not anticipate independent claims 1, 10, and 18. Accordingly, Teicher does not anticipate dependent claims 5, 11, and 19, which depend therefrom. Therefore, claims 5, 11 and 19 are allowable.

#### **Rejections Under 35 U.S.C. § 103**

In Section 6 of the Office Action, the Examiner rejected claims 8, 9 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Teicher in view of U.S. Patent No. 5,227,874 (Von Kohorn). The Examiner stated:

As per claims 8, 9 and 15, Teicher substantially discloses the claimed limitations as stated in claim 1 above. It is noted that Teicher does not explicitly disclose that the product is an insurance, a warranty, and security system. However, Von Kohorn discloses a method for the evaluation of stimuli such as broadcast commercials intended to promote purchases by shoppers. A prize-winning respondent can select a product from a listing and apply the value of a prize to the purchase price of the selected product. Wherein the term product also includes insurance, warranties, and security (see., Von Kohorn, abstract, col. 47, lines 1-9, col. 97, lines 64-68, col. 98, lines 1-64, col. 101, lines 13-19). Accordingly, it would have been obvious to a

person of ordinary skill in the art at the time the invention was made to modify the teaching of Teicher by including the limitations detailed above taught by Von Kohorn because it is a routine business practice to provide insurance and warranty for a product.

Applicants respectfully submit that Teicher does not anticipate independent claims 1 and 10. Accordingly, Teicher does not anticipate dependent claims 8, 9, and 15, which depend therefrom. Therefore, claims 8, 9, and 15 are allowable.

After amending the claims as set forth above, claims 1, 2, and 5-25 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

July 15, 2002

By

Kenneth G. Lemke

FOLEY & LARDNER

Customer Number: 26371



26371

PATENT TRADEMARK OFFICE

Telephone: (414) 297-5691

Facsimile: (414) 297-4900

Kenneth G. Lemke  
Attorney for Applicants  
Registration No. 47,746

**APPENDIX A**

The following are marked up versions of the replacement claims indicated in the Reply and Amendment and in accordance with 37 C.F.R. § 1.121. Applicants have used the convention underline to indicate added text and [square brackets] to indicate deleted text.

- 1           1.       (Once Amended) A system for selling or pricing a product, the system  
2 comprising:  
3                   a data collection system configured to collect data relating to the  
4 product, including product location data; and  
5                   a pricing system in electronic communication with the data collection  
6 system, the pricing system configured to at least one of sell [or] and price the product,  
7 based on [in accordance with] the product location data [relating to the product]
- 1           18.     (Once Amended) A method for pricing a product, the method comprising:  
2                   receiving information relating to the product via a remote [transmitter]  
3 transceiver;  
4                   generating the product price based on the received information.